

Notice of Allowability	Application No.	Applicant(s)	
	10/004,964	WILLIAMS ET AL.	
	Examiner	Art Unit	
	Thanh S Phan	2841	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 02/03/05.
2. ☒ The allowed claim(s) is/are 8-18.
3. ☒ The drawings filed on 19 February 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>02/03/05</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |


Vit Miska
 Primary Examiner

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Darin Williams on 02/07/05. The following is a statement of reasons for the Examiner's Amendment: to expedite prosecution, the Examiner called Mr. Williams and suggested an amendment to place the case into condition for allowance.

The application has been amended as follows:

In claim:

8 (Currently amended) An ear-plug alarm system including by this reference any generalized time triggering system comprising:

(A) a base-station or setting device further comprising:

(a) a master time reference,

(b) user controls for designating alarm events or setting alarm times, possibly including a display and buttons or connection to other remote input means,

(B) one or more ear-pieces, [[including by this reference any autonomous timing elements, further]] comprising:

(a) a local time reference separate from said base-station master time reference,

(b) storage means for holding settings from the base-station [[including without limitation alarm designations for the autonomous timing and alarm function]]

(c) a controller for determining when said alarm time is reached based upon said local time reference and the stored setting,

(d) a power source, possibly rechargeable [[form]] from the base-station whereby the logic is powered for autonomous operation after disconnection from the base-station and

(e) one or more interfaces to initiate responses at said alarm event, [[possibly including but not limited to drivers for an audio alarm or sounder in the ear-piece,]] whereby the ear-piece is entirely autonomous once set and [[able to operate]] operates without further support from or connection to said base-station,

(C) means of directly connecting any one of said ear-pieces to said base-station [[including without limitation electrical, electro-magnetic, radio-frequency, optical, or other interface]] such that:

(a) the presence of this connection implicitly selects the particular ear-piece to be set among multiple ear-pieces in near proximity, whereby a single setting device can unambiguously control multiple ear-pieces, setting them one at a time, without separate addressing or selections,

(b) the connection provides a means of transferring settings from said base-station to said ear-piece, where a single base-station may include a plurality of such connections.

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The following is a statement of reasons for the indication of allowable subject matter: claim 8 recites, inter alia, "whereby the ear-piece is entirely autonomous once set and able to operate without further support from or connection to said base-station" and in combine with the remain limitations of the above claim. The art of record does not disclose the above limitations, nor would it be obvious to modify the art of record so as to include the above limitations.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh S Phan whose telephone number is 571-272-2109. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamand Cuneo can be reached on 571-272-1957. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

tsp

A handwritten signature in black ink, appearing to read 'V. Miska', with a stylized flourish at the end.

V. Miska
Primary Examiner